

REMARKS

Claims 1-36 are pending. Claims 20, 21, 25, 30, and 36 have been amended. Claims 1-36 remain.

5 Claims 20 and 21 have been amended to correct typographical errors and not for purposes of overcoming substantive rejections.

Claims 1-8, 10-19, and 21-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,757,531, to Haaramo et al. ("Haaramo"). Applicant traverses.

10 A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131.

As an initial matter, dependent claims 2-8, 10, 11, 13-19, 21-23, 26-29, and 31-35 were rejected by referring to the various figures in Haaramo, but without citation of text. 37 C.F.R. 1.104(b)(2) requires that the "pertinence of
15 each reference, if not apparent, must be clearly explained and each rejected claim specified." Accordingly, to assist with better understanding the basis of rejection, applicant requests proper examination and full consideration of the claims, with citation to specific textual excerpts of Haaramo.

Notwithstanding, Haaramo discloses a group communication device and
20 method, which includes providing voice based communication between a number of mobile terminals of a telecommunication network (Abstract). Terminals, such as a GSM phone, use their memory to store incoming voice messages and their keypad for recalling incoming voice messages from the memory (Col. 5, lines 61-64). Terminals are connected together to create a group by physically pushing
25 two IR (infrared) ports against each other to enter group mode and pressing an unassigned button or key to access the group (Col. 7, lines 46-52). Information from the last group member is collected from previous members and sent to a communication server, which then gives the group an identifier and sends the identifier to the terminals in the group (Col. 7, lines 55-60). Alternatively,
30 contactless transmissions, like radio, that is, Bluetooth, can be used to create a group (Col. 8, lines 13-34; Col. 8, lines 18-37). To send voice messages, a user

holds the key for the group and speaks a message, which may be sent without the user needing to give any separate “send” command (Col. 12, lines 17-33). When the message reaches the server, the server broadcasts the message to each member of the group (Col. 12, lines 33-36).

5 Haaramo fails to teach or suggest each claim limitation of independent Claims 1, 12, and 24. Referring first to Claim 1, Haaramo fails to teach or suggest a message queue to transiently store each such digital voice message. Referring next to Claim 12, Haaramo fails to teach or suggest transiently storing each such digital voice message. Finally, referring to Claim 24, Haaramo fails to
10 teach or suggest means for transiently storing each such digital voice message. Rather, Haaramo discloses that incoming voice messages are stored on terminals, not on a server (Col. 5, lines 61-64). Moreover, Haaramo teaches away by broadcasting messages to each member of a group when a messages reaches the server (Col. 12, lines 33-36). Thus, Haaramo fails to anticipate these claims.

15 Moreover, Haaramo fails to teach or suggest each claim limitation of dependent Claims 2 and 13. Referring first to Claim 2, Haaramo fails to teach or suggest a session manager to manage each voice message sessions, comprising an authentication component to process an operation by at least one such device selected from the group comprising at least one of a sign-in and a sign-out; and a
20 message router to perform store-and-forward processing of the transiently stored digital voice messages. Referring next to Claim 13, Haaramo fails to teach or suggest managing each voice message sessions, comprising processing an operation by at least one such device selected from the group comprising at least one of a sign-in and a sign-out; and performing store-and-forward processing of
25 the transiently stored digital voice messages. Rather, Haaramo discloses that groups are created and accessed through an assigned key (Col. 12, lines 17-33) without a sign-in or sign-out. Moreover, Haaramo teaches away by broadcasting messages to each member of a group when a messages reaches the server (Col. 12, lines 33-36), which is the antithesis of *store-and-forward* processing. Thus,
30 Haaramo fails to anticipate these claims.

Haaramo also fails to teach or suggest each claim limitation of independent Claims 25, 30, and 36, which have each been amended. Referring first to Claim 25, Haaramo fails to teach or suggest a queue manager to *centrally* process the digital voice messages, comprising a message queue to transiently store the digital voice message. Referring next to Claim 30, Haaramo fails to teach or suggest *centrally* processing the digital voice messages, comprising transiently storing the digital voice message. Finally, referring to Claim 36, Haaramo fails to teach or suggest means for *centrally* processing the digital voice messages, comprising means for transiently storing the digital voice message. Rather, Haaramo discloses that incoming voice messages are processed and stored on terminals, not centrally on a server (Col. 5, lines 61-64). Moreover, Haaramo teaches away by broadcasting messages to each member of a group when a messages reaches the server (Col. 12, lines 33-36). Thus, Haaramo also fails to anticipate these claims.

Therefore, the Haaramo reference fails to describe all the claim limitations and does not anticipate Claims 1, 2, 12, 13, 24, 25, 30, and 36. Claims 3-8, 10, and 11 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 14-19 and 21-23 are dependent on Claim 12 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 26-29 are dependent on Claim 25 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claims 31-35 are dependent on Claim 30 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

Claims 9 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Haaramo. Applicant traverses.

The Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007) (“KSR Guidelines”), effective October 10, 2007, control obviousness determinations and provide exemplary

rationales, as incorporated in MPEP 2143. Rationale (G), which includes some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention, appears to have been applied. This
5 rational requires three factual findings:

(1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

10 (2) a finding that there was reasonable expectation of success; and

(3) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

As to the first factual finding, Haaramo fails to teach or suggest a proxy
15 voice server, as recited in Claims 9 and 20. In addition, a speech recognition component to transcribe digital voice messages using a proxy voice server interfaced to a device over a voice network is asserted to be known in the art. Applicant traverses this finding. No documentary evidence was cited in support of the taking of Official notice, which is never appropriate “as the principal
20 evidence upon which a rejection was based.” MPEP 2144.03(A) (citing *In re Zurko*, 258 F.3d 1379, 1385 (Fed. Cir. 2001). **Applicant requests an affidavit from the Examiner in support of the taking of Official notice.** 37 C.F.R. § 1.104(d)(2). As to the second and third findings, no reasonable expectation of success was explained, nor were further *Graham* factual findings made.

25 “If any of [the four] findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.” MPEP 2143(A). Therefore, lacking sufficient findings, Haaramo fails to render Claims 9 and 20 obvious. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.

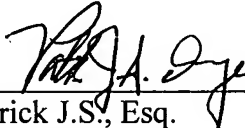
Further consideration and examination of the application are respectfully requested. Claims 1-36 are believed to be in a condition for allowance. Entry of the foregoing amendments is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

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Respectfully submitted,

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